



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 22, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:03 p.m.

Commission members present were: Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G. H. Jones, and Mr. Michael Parks.

Commission members absent were: Mr. Michael Beckendorf, Mr. Ralph Davila and Mr. Don Maxwell (Parliamentarian).

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioner Horton filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #10, Rezoning RZ06-40. Commissioner Horton will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the workshop and regular meeting on February 15, 2007.

Commissioner Parks moved to approve the Consent Agenda. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

REQUESTS CONCERNING 1.29 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF EAST VILLA MARIA ROAD AND ALLEN RIDGE DRIVE IN BRYAN, BRAZOS COUNTY, TEXAS (Commission has final approval; appeals may be directed to City Council).

5. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-10

J. Fulgham

A variance from the minimum 200-foot lot depth generally required on lots in Commercial Districts (C-3), to allow the creation of two lots that have as few as 169.52 feet of lot depth. Property is located at 3098 East Villa Maria Road, Lots 1 and 2 of the Allen Ridge Subdivision; Phase 3 in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised that the applicant is requesting a variance from the minimum required 200-foot lot depth required for lots in C-3 zoning districts. Two lots are proposed to be subdivided from this one, currently un-platted tract of land. Neither lot meets the required 200-foot lot depth requirement. Smaller remnants of land such as the subject site require special consideration to allow development to occur. The only possible way to plat this tract of land without the requested variance would be to orient a single lot towards Allen Ridge Drive, which serves as a local street. An issue identified in the recently adopted Comprehensive Plan is to minimize traffic impacts on existing neighborhoods. Approving this variance would help address the issue by allowing these proposed lots to be oriented towards East Villa Maria Road. Staff recommends approving this requested variance.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to approve Planning Variance PV07-10, accepting the findings of staff. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none

The motion passed with a unanimous vote.

6. CONSIDERATION – Final Plat FP07-06

J. Fulgham

Proposed final plat of Allen Ridge Subdivision, Phase 3, consisting of 1.29 acres, located at the northeast corner of East Villa Maria Road and Allen Ridge Drive in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised this proposed final plat of Allen Ridge Subdivision, Phase 3 creates 2 lots intended for commercial uses. The Site Development Review Committee and staff recommend approving this proposed final plat.

Responding to a question from Commissioner Clark, staff responded that in this particular case, the installation of sidewalks will not be required because of the existing bar ditch.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to approve Final Plat FP07-06, as requested. Commissioner Jones seconded the motion.

Chairman Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF RESUBDIVISION

7. PUBLIC HEARING/CONSIDERATION – Replat RP07-05

R. Haynes

Replat of the remainder of Lots 3&4, Block 4, McCullough's Subdivision, located near the intersection of William Joel Bryan and Sandy Point Road, Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the applicants have requested to replat 0.315 acres which comprise the remaining parts of Lots 3 and 4 in Block 4 of McCulloch's Addition. The applicants have assembled ownership of the two existing partial lots in order to develop the property for commercial use. The Planning and Zoning Commission recently approved a planning variance which will allow the project to go forward. The proposed replat meets all requirements and standards. This item has been approved by the Site Development Review Committee and staff recommends approving this request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to approve Replat RP07-05, as requested. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF VARIANCE (Commission has final approval; appeals may be directed to City Council.)

8. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-09 J. Fulgham

A complete variance from the minimum 7.5-foot side building setback generally required on lots in residential zoning districts, to legitimize previous construction of an addition that extends all the way to the east side property line on the subject property located at 909 Beck Street, Lot 28 of the Roberts Addition in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham advised that the applicant was cited by the Code Enforcement Department for building an addition on the side of the existing single-family home at 909 Beck Street without the necessary building permits and site plan approval by the City. The unlawful addition connects the single-family residence to an existing garage. The applicant is requesting a complete variance from the required 7.5 side setback required on this lot, to legitimize construction of this addition. Staff believes that the public benefit from continue compliance with minimum building setback standards, in this particular circumstance, is greater than requiring the applicant to remove the unlawfully constructed addition. Enforcing the minimum required side building setback, in this particular case, will provide a minimum degree of open space. Staff recommends denying this requested variance.

The public hearing was opened.

Mr. Robert Humphrey of 1107 Beck Street, Bryan, Texas came forward to speak against the request. He advised the Commission that this is an eyesore.

The public hearing was closed.

Commissioner Clark moved to deny PV07-09, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none

The motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-11 R. Haynes

A variance to from the minimum 7.5 foot setback to 4.75 feet for 2399 De Lee, Lot 1A, Block 5 in the Memorial Village Subdivision in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the applicant is requesting a variance from the building setback requirements. On February 3, 2005 the Planning and Zoning Commission approved a replat involving this property. At that time, Lot 1 Block 5 Memorial Village was divided into two lots. The new lot created is the subject tract, Lot 1A. At the time of the replat, the stated purpose was to build a new townhouse; Lot 1A meets the requirements for a townhouse lot. The site development ordinance specifies that there be a minimum of 10 feet of unobstructed clearance between other townhouse groups. In January 2006, the plat was amended removing a general note that restricted construction on the lot of only a building to townhouse standards. Staff recommends denying this request for a variance.

The public hearing was opened.

Mr. W.R. Tubbs of 1204 Beacon Street, College Station, Texas, representing the property owner, came forward to withdraw the request. Mr. Tubbs stated that the property owner is currently considering changing the location of a proposed new home on this lot.

The public hearing was closed.

No action was taken, since the item had been withdrawn by the applicant.

Chairperson Hughes advised that Commissioner Horton has filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding the following regular agenda item #10, Rezoning RZ06-40. Commissioner Horton will not participate in deliberation or voting on this agenda item

REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ06-40

R. Haynes

A request to change the zoning classification from Residential District – 7000 (RD-7) to Residential - Neighborhood Conservation (R-NC) for all 24 parcels in the Oak Knoll Subdivision, located in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the property owners within the Oak Knoll Subdivision have submitted a complete petition for a City-initiated zoning change from combination of Residential District – 7000 (RD-7) and Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation (R-NC) on all 24 parcels in this subdivision. Most of the lots in this subdivision are developed with single-family homes. Staff recommends approving R-NC zoning for this entire subdivision phase.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning RZ06-40, accepting the findings of staff. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

11. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-15

R. Haynes

A request to change the zoning classification from Residential District – 7000 (RD-7) to Residential - Neighborhood Conservation (R-NC) for all 24 lots in the Austin's Colony Subdivision – Phase 6, located in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the property owners within Austin's Colony, Phase 6 have submitted a complete petition for a City-initiated zoning change from Residential District – 7000 (RD-7) to Residential – Neighborhood Conservation (R-NC) on all 24 lots in this subdivision. Most of the lots in this subdivision phase are developed with single-family homes. Staff recommends approving R-NC zoning for all eligible lots in this subdivision phase.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to recommend approval of Rezoning RZ07-15, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion.

There was none.

The motion passed with a unanimous vote.

12. COMMISSION CONCERNS

There were none.

13. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 6:37 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **19th** day of **April, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission

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